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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,896	03/23/2001	Valentin Chartier	5974-073	7890

27383 7590 12/17/2003  
CLIFFORD CHANCE US LLP  
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NEW YORK, NY 10166

EXAMINER

HAVAN, THU THAO

ART UNIT PAPER NUMBER

2672

DATE MAILED: 12/17/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/815,896

Applicant(s)

CHARTIER ET AL.

Examiner

Thu-Thao Havan

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. Claims **1-25** are pending in the present application.
2. Applicant's arguments filed September 25, 2003 have been fully considered but they are not persuasive. As addressed below, Shinagawa teaches the claimed limitations.

A.) Shinagawa teaches geometric cell (col. 1, lines 7-25; col. 20, lines 6-26; col. 7, lines 40-67; figs. 1, 9-10, and 31). In other words, Shinagawa discloses a technique for inverting shape data, which is represented in a smaller amount than that of polygon data, into polygon data upon necessity. In that he discloses converting polygon data into precise shape data suitable for free-form surface representation. In addition, figures 9-10 discloses each icon represents either one cell or two cells related to each other through an operator. Two cells may be pasted by coinciding the flat top of one cell with the flat bottom of the other. The cells for hollow contours are depicted with white (open) icons and cells for solid contours with black (solid) icons.

B.) Shinagawa teaches processing a declarative syntax (figs. 6-8). In figures 6-8, Shinagawa discloses scripting language for a program. In that a programmer is a user that is capable to declare syntax for a particular script of programming language to be operable. Figures 6-8 show examples of operator programs in pseudo-Pascal code. These codes define two procedures and three functions for later use for the users.

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims **1-25** are rejected under 35 U.S.C. 102(e) as being unpatentable by Shinagawa et al. (US patent no. 6,323,863).

Re claim **1**, Shinagawa discloses a computer system operation method for use with a CAD system in modeling objects, method providing a means for identifying geometric cells of a model, each of geometric cells comprising geometric cell identification data and data defining a geometric feature of the model that is associated with geometric cell (col. 1, lines 7-25; col. 20, lines 6-26; col. 7, lines 40-67; fig. 1) the method comprising receiving input comprising one or more constraints relating to geometric cell information (figs. 1, 18—element 2, and 30—element 21); for each constraint and for each of plurality of geometric cells of a model processing a declarative syntax specifying at least one of received input constrains to determine whether the cell meets the requirement of the constraint (figs 7 and 18—element 3 is the determined unit that determines if the cell meets the requirement of the constraint in programming procedure of figure 7); generating a list of geometric cells meeting the requirements of the constraints (col. 8, lines 1-22; col. 9, lines 13-46; col. 10, lines 5-13—list of array consisting of a list of cells).

Re claim **2**, Shinagawa teaches the computer system operation method wherein at least one of input constraints is selected from the group consisting of constraints relating to cell dimension (fig. 1); constraints relating to the topology of a cell (col.20, lines 6-26); constraints relating to the history of the model evolution (col.9, lines 13-46—the array of parent discloses the history of the model evolution); constraints relating to specific attributes of a cell (col. 22, line 51 to col. 23, line 6—parameters correspond to attributes); and constraints relating to geometrical indications of a cell (figs 5-9).

Re claim **3**, the limitations of claim 3 are identical to claim 1 above except for the limitations further discussed below. Therefore, claim 3 is treated the same as discussed with respect to claim 1 above. Shinagawa teaches a CAD/CAM apparatus comprising (col. 1, lines 7-25), an input device (fig. 18—element 2); a central processing unit (col. 1, lines 40-55); and a display device (fig. 30—element 43).

Re claims **4, 6, 8, 10, 12, 14, 16-17, 20, and 22**, the limitations of claims 4, 6, 8, 10, 12, 14, 16-17, 20, and 22 are identical to claim 2 above. Therefore, claim 4, 6, 8, 10, 12, 14, 16-17, 20, and 22 are treated the same as discussed with respect to claim 2 above.

Re claims **5, 7, 9, 11, 13, 15, 18-19, 21, and 23**, the limitations of claims 5, 7, 9, 11, 13, 15, 18-19, 21, and 23 are identical to claim 1 above. Therefore, claim 5, 7, 9, 11, 13, 15, 18-19, 21, and 23 are treated the same as discussed with respect to claim 1 above.

Re claim **24**, Shinagawa teaches automatically selecting geometric features of the model based on the generated list of cells and receiving a user input to execute a

change to each of the automatically selected geometric features (col. 23, lines 18-40; fig. 47).

Re claim **25**, Shinagawa teaches a scripting language program received as a CAD system user input (figs. 6-8). In figures 6-8, Shinagawa discloses scripting language for a program. In that a programmer is a user that is capable to declare syntax for a particular script of programming language to be operable.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### Inquiries

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu-Thao Havan whose telephone number is (703) 308-7062. The examiner can normally be reached on Monday to Thursday from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

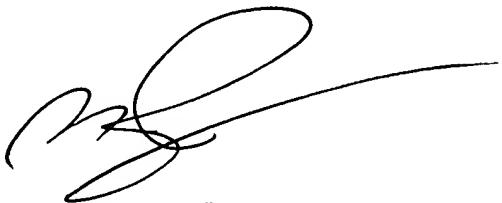
or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Thu-Thao Havan  
December 10, 2003



**MICHAEL RAZAVI**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600